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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/524,568

02/15/2005

Ulrich Waibel

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

CHOY, PAN G

ART UNIT

PAPER NUMBER

4156

MAIL DATE

DELIVERY MODE

09/04/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/524,568	Applicant(s) WAIBEL, ULRICH	
	Examiner PAN G. CHOY	Art Unit 4156	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>23 January 2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Non-Final Office Action is responsive to Applicant's submission filed February 15, 2005.
2. Claims 1-20 are pending. Claims 1, 7 and 11 are the independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/IB03/03486, filed on August 20, 2002.

Specification

4. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b) (4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Regarding claim 1-10 and 18, the word "means" is preceded by the word(s) "[4], [6], [5], [12] and etc." in an attempt to use a "means" clause to recite a claim element as a means for performing a specified function. However, since no function is specified by the word(s) preceding "means," it is impossible to determine the equivalents of the element, as required by 35 U.S.C. 112, sixth paragraph. See *Ex parte Klumb*, 159 USPQ 694 (Bd. App. 1967).

Claim 1-10 and 18 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: [4], [6], [5], [12] and etc...

Claim Rejections - 35 USC § 101

7. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 2, 4, 6, 9 and 10 are rejected under 35 U.S.C. 101 because the substances of the claims can be reasonably understood to be drawn to software, which is not patentable.

Claims 11-20 are rejected under 35 U.S.C. 101 because claims 11-20 only recite a process without obvious tie to another statutory class. In order for a method to be considered a "process" under §101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying

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subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972). If neither of these requirements is met by the claim, the method is not a patent eligible process under §101 and is non-statutory subject matter. Note that the tie to another statutory class should be in the body of the claim, and substantive.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Archbold, (U.S. Patent NO.: 7,031,998 B2).

As to claim 1, Archbold discloses a device for the automatic routing of jobs of different types to persons who will undertake the jobs (see column 1, lines 30-36; column 3, lines 49-50)

with means (4) for establishing the type of a job to be routed when a job request arrives (see column 9, lines 47-62),

means (6) for storing personal parameters (information) of persons assigned to types of jobs (see column 4, lines 6-9)

means (5) for establishing at least one person who, on the basis of the stored personal parameters, is suitable for undertaking the particular job, based on its type (see column 9, lines 47-50)

means (12) for automatically forwarding the processing request to the person established as suitable, which means (12) for automatic forwarding are connected to the means (5) for establishing at least one suitable person (see column 9, lines 52-58, and column 19, lines from 64).

As to claim 2, Archbold teaches a device as claimed in claim 1, wherein the means (5) for establishing at least one suitable person are means for creating a list of suitable persons, ranked according to their suitability on the basis of the personal parameters (see column 9, lines 47-62).

As to claim 3, Archbold teaches a device as claimed in claim 2, further equipped with memory means (9) for storing working-time information and with means (8) for selecting a person from the list on the basis of their ranking in the list and on the basis of working-time information read from memory means (9) (see column 6, lines 37-49).

As to claim 4, Archbold teaches a device as claimed in claim 2, further equipped with means (11) for recording information concerning the current workloading of individual persons, and with means (8) for selecting a person from the list on the basis

of their ranking in the list and on the basis of the information concerning their current workloading (see column 3, lines 49-50 and column 15, lines 51-59).

As to claim 5, Archbold teaches a device as claimed in claim 2, further equipped with memory means (9) for storing working-time information for the individual persons, with means (11) for recording information concerning the current workloading of the individual persons, and with means (8) for selecting a person from the list on the basis of their ranking in the list, on the basis of working-time information read from memory means (9) and on the basis of information concerning the current workloading (see also column 6, lines 34-67 and column 7, 1-37).

As to claim 6, Archbold teaches a device as claimed in claim 1, in which the means (6) for storing the personal parameters is connected to a means (14) for the continuous determination of these personal parameters on the basis of each job undertaken by the person (see column 9, lines 47-62).

As to claim 7, Archbold teaches a system (17) comprising multiple workstations (13-i) with means (20) for processing information made available in electronic form, and comprising a device (1) for routing the jobs, as claimed in claim 1 (see column 2, lines 14-40).

As to claim 8, Archbold teaches a system as claimed in claim 7, with means (19) for voice recognition and for the creation of text information on the basis of dictations by authors, wherein the workstations (13-i) are transcription workstations for the processing of text information (see column 14, lines 63-67 and column 15 lines 1-2).

As to claim 9, Archbold teaches a system as claimed in claim 8, wherein the means (4) for establishing the type comprises a means (50) for establishing the specialist field of the particular dictation (see column 4, lines 18-37).

As to claim 10, Archbold teaches a system as claimed in claim 8, wherein the means (4) for establishing the type comprises a means (49) for establishing the particular author (see column 4, lines 18-37).

As to claim 11, Archbold teaches a method for the automatic routing of jobs of different types to persons who undertake the jobs, wherein the type of the particular job to be routed is established, and a person suitable to undertake the job is determined on the basis of stored personal parameters assigned to the types of jobs, to which person the job is routed (see column 9, lines 47-62).

As to claim 12, Archbold teaches a method as claimed in claim 11, wherein a list of suitable persons, ranked according to their suitability established on the basis of the personal parameters, is created for the particular job type (see column 9, lines 47-62).

As to claim 13, Archbold teaches a method as claimed in claim 12, wherein the person who is both best suited and available is established from the created list on the basis of the personal parameters (see column 3, lines 49-50 and column 9, lines 47-62).

As to claim 14, Archbold teaches a method as claimed in claim 13, wherein the availability of the person is established on the basis of stored working-time information (see column 3, lines 49-50).

As to claim 15, Archbold teaches a method as claimed in claim 13, wherein the availability of the person is established on the basis of continuously determined information concerning the current workloading of this person (see column 15, lines 53-57).

As to claim 16, Archbold teaches a method as claimed in claim 13, wherein the availability of the person is established on the basis of stored working-time information and of continuously determined information concerning the current workloading of this person (see column 15, lines 53-57).

As to claim 17, Archbold teaches a method as claimed in claim 11, wherein jobs involving the processing of information made available in electronic form are routed (see Field of the Invention and column 2, 32-40).

As to claim 18, Archbold teaches a method as claimed in claim 17, wherein the information to be processed is text information compiled automatically with the aid of voice recognition means (19) on the basis of dictations by authors (see column 14, 63-67 and column 15, 1-2).

As to claim 19, Archbold teaches a method as claimed in claim 18, wherein, to establish the type of the particular job, the specialist field of the particular dictation is established (see column 4, 18-37).

As to claim 20, Archbold teaches a method as claimed in claim 18, wherein, to establish the type of the particular job, the particular author is established (see column 4, 18-37).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAN G. CHOY whose telephone number is (571) 270-7038. The examiner can normally be reached on 4/5/9.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Kyle can be reached on 571-272-646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PAN G CHOY/
Examiner, Art Unit 4156

August 26, 2008

/Charles R. Kyle/
Supervisory Patent Examiner, Art Unit 4156